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AUG 26 1952
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IN THE

# Supreme Court of the United States

October Term, 1951

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No. 171

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RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD COMPANY, a corporation, *Petitioner,*

v.

THOMAS M. BROOKS, *Respondent.*

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## REPLY BRIEF OF PETITIONER.

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Respondent in his brief places primary emphasis on his complaint as to the sufficiency of petitioner's objections to certain instructions. It is unnecessary to review petitioner's counter-arguments in the court below. This Court has so recently considered an identical point that further citation of authority seems unnecessary. In the last paragraph of the recent case of *O'Donnell* v. *Elgin, J. & E. R. Co.*, 338 U. S. 384 (1949), quoted from at length in respondent's brief, it was said at page 394:

> "Criticism is made that petitioner's requests to charge were not sufficiently specific. That they were somewhat general in statement and were cast in terms

of a negligence case is true. *But the Court of Appeals found these requests sufficiently specific and pertinent to the issues to present the question which it decided. And in deciding this question the way it did, we believe it has fallen into error . . .*" (Emphasis added)

There, as here, an important issue under the Safety Appliance Act had been raised and considered by the court below. For the reasons already assigned in the Petition, it is submitted that review of the decision by this Court is necessary.

Respectfully submitted,

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